

**SIXTY-FIFTH DAY**  
(Tuesday, May 10, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Brooks.

A quorum was announced present.

The Reverend Dubyear Harris, Metropolitan African Methodist Episcopal Church, Austin, offered the invocation as follows:

Oh, God of Israel, bless the presiding officer, Senators, and staff for law-making for this day with open minds. In Jesus' Name we pray, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of family illness on motion of Senator Harris.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 179**. House conferees: Presnal, Chairman; Rudd, Madla, Hollowell, Gibson, J. of Ector.

**H.C.R. 234**, Commending the Honorable Raymond D. Noah, Mayor of Richardson.

**H.C.R. 235**, Commending the Honorable Tom Ewbank, retiring mayor pro tem of Richardson.

**H.J.R. 22**, Proposing a constitutional amendment relating to the per diem allowance for members of the legislature.

**S.B. 367**, Relating to local government compensation for required removal of outdoor advertising.

**S.B. 703**, Relating to the duties of the Family Practice Residency Advisory Committee.

**S.C.R. 96**, Declaring the week of May 8-14, 1983, as "Senior Citizens Centers Week".

**H.C.R. 240**, Commending Gene Zesch.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 1346**

On motion of Senator Parmer and by unanimous consent, Senator Montford will be shown as Co-author of **S.B. 1346**.

**REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

**H.B. 647**  
**H.B. 1203** (Amended)  
**H.B. 534**  
**H.B. 2032**  
**H.B. 1582**  
**H.B. 1446**  
**H.B. 1395**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**H.B. 2140**  
**H.B. 1936**

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

**H.B. 1217**  
**H.C.R. 35**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**C.S.S.C.R. 81** (Read first time)  
**C.S.S.C.R. 80** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 414** (Amended)  
**H.B. 825** (Amended)  
**S.B. 1370** (Amended)  
**H.B. 658** (Amended)  
**H.B. 1861**  
**S.B. 1368**  
**S.B. 885**  
**S.B. 324**  
**H.B. 1216**  
**H.B. 455**  
**H.B. 943**  
**S.B. 1265**  
**S.B. 1196**  
**S.B. 1172**  
**H.B. 1148**  
**C.S.S.B. 1043** (Read first time)

**SENATE BILL AND RESOLUTIONS ON FIRST READING**

On motion of Senator Jones and by unanimous consent, the following bill and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1403** by Jones Economic Development  
Relating to entities authorized to act as utility corporations.

**S.C.R. 105** by Caperton State Affairs  
Directing the Public Utility Commission to investigate and identify problems associated with municipal annexation and multiple certification.

**S.C.R. 106** by Washington State Affairs  
Directing the Texas Commission on Jail Standards to develop model minimum standards for municipal jails.

**S.C.R. 107** by Doggett Administration  
Granting Southern Union Gas Company permission to sue the State.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.C.R. 113**, To Committee on Education.
- H.C.R. 121**, To Committee on Administration.
- H.C.R. 134**, To Committee on Administration.
- H.C.R. 146**, To Committee on Administration.
- H.C.R. 149**, To Committee on Administration.
- H.C.R. 154**, To Committee on Administration.
- H.B. 137**, To Committee on State Affairs.
- H.B. 340**, To Committee on State Affairs.
- H.B. 450**, To Committee on Jurisprudence.
- H.B. 475**, To Committee on State Affairs.
- H.B. 490**, To Committee on Intergovernmental Relations.
- H.B. 726**, To Committee on Intergovernmental Relations.
- H.B. 774**, To Committee on State Affairs.
- H.B. 785**, To Committee on State Affairs.
- H.B. 862**, To Committee on State Affairs.
- H.B. 893**, To Committee on Health and Human Resources.
- H.B. 1006**, To Committee on State Affairs.
- H.B. 1101**, To Committee on State Affairs.
- H.B. 1114**, To Committee on Economic Development.
- H.B. 1141**, To Committee on State Affairs.
- H.B. 1169**, To Committee on Jurisprudence.
- H.B. 1245**, To Committee on Education.
- H.B. 1301**, To Committee on State Affairs.
- H.B. 1304**, To Committee on Natural Resources.
- H.B. 1460**, To Committee on Intergovernmental Relations.
- H.B. 1554**, To Committee on Economic Development.
- H.B. 1601**, To Committee on Economic Development.
- H.B. 1602**, To Committee on Economic Development.
- H.B. 1606**, To Committee on Jurisprudence.
- H.B. 1650**, To Committee on Jurisprudence.
- H.B. 1658**, To Committee on Economic Development.
- H.B. 1679**, To Committee on Intergovernmental Relations.

H.B. 1686, To Committee on Jurisprudence.  
H.B. 1707, To Committee on Intergovernmental Relations.  
H.B. 1708, To Committee on Education.  
H.B. 1731, To Committee on Natural Resources.  
H.B. 1736, To Committee on Finance.  
H.B. 1766, To Committee on Natural Resources.  
H.B. 1833, To Committee on Intergovernmental Relations.  
H.B. 1838, To Committee on Intergovernmental Relations.  
H.B. 1852, To Committee on Jurisprudence.  
H.B. 1877, To Committee on State Affairs.  
H.B. 1971, To Committee on Intergovernmental Relations.  
H.B. 1987, To Committee on Economic Development.  
H.B. 2106, To Committee on Jurisprudence.  
H.B. 2107, To Committee on Jurisprudence.  
H.B. 2116, To Committee on Education.  
H.B. 2126, To Committee on Intergovernmental Relations.  
H.B. 2159, To Committee on Education.  
H.B. 2161, To Committee on Intergovernmental Relations.  
H.B. 2183, To Committee on State Affairs.  
H.B. 2196, To Committee on State Affairs.  
H.B. 2226, To Committee on Natural Resources.  
H.B. 2228, To Committee on Intergovernmental Relations.  
H.B. 2245, To Committee on Jurisprudence.  
H.B. 2307, To Committee on Intergovernmental Relations.  
H.B. 2313, To Committee on Intergovernmental Relations.  
H.B. 2314, To Committee on Intergovernmental Relations.  
H.B. 2324, To Committee on Intergovernmental Relations.  
H.B. 2325, To Committee on Intergovernmental Relations.  
H.B. 2326, To Committee on Intergovernmental Relations.  
H.B. 2327, To Committee on Intergovernmental Relations.  
H.B. 2342, To Committee on Intergovernmental Relations.  
H.B. 2343, To Committee on Natural Resources.  
H.B. 2345, To Committee on Natural Resources.  
H.B. 2346, To Committee on Natural Resources.  
H.B. 2347, To Committee on Natural Resources.  
H.B. 2359, To Committee on Natural Resources.  
H.B. 2369, To Committee on Intergovernmental Relations.  
H.B. 2377, To Committee on Intergovernmental Relations.

#### **FLOOR PRIVILEGES GRANTED**

On motion of Senator Montford and by unanimous consent, Betty Bradford of Lubbock was granted privileges of the floor for today.

#### **HOUSE CONCURRENT RESOLUTION 240**

The President laid before the Senate the following resolution:

**H.C.R. 240**, Congratulating Gene Zesch for his artistic ability and recognizing him as the Caricature Artist from the Hill Country.

The resolution was read.

On motion of Senator Sims and by unanimous consent, the resolution was considered immediately and was adopted.

**GUESTS PRESENTED**

Senator Sims escorted Mr. and Mrs. Zesch to the President's Rostrum.

Mr. Zesch presented the President with a caricature.

**SENATE BILL 737 WITH HOUSE AMENDMENT**

Senator Mauzy called **S.B. 737** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1. - Schlueter

Substitute the following for **S.B. 737**:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the method by which the comptroller determines a tax liability.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1.** Subsection (a), Section 111.0042, Tax Code, is repealed.

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 23, Nays 0.

Absent: Glasgow, Lyon, Santiesteban, Sarpalius, Sharp, Uribe, Whitmire.

Absent-excused: Brooks.

**SENATE BILL 623 WITH HOUSE AMENDMENT**

Senator Harris called **S.B. 623** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1. - Wright

Amend **S.B. 623**, Section 15, chapter 340 (Article 912a15, V.T.C.S.) on page 7, line 11, by adding the following language after the words "September 1, 1975,": "and until September 1, 1983."

The amendment was read.

Senator Harris moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Glasgow, Lyon, Santiesteban, Sarpalius, Sharp, Whitmire.

Absent-excused: Brooks.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 32  
S.C.R. 33  
S.B. 122  
S.B. 221  
S.B. 246  
S.B. 319  
S.B. 341 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 346  
S.B. 392  
S.B. 393  
S.B. 394  
S.B. 420  
S.B. 438  
S.B. 501 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 510  
S.B. 517  
S.B. 558  
S.B. 619  
S.B. 644  
S.B. 655  
S.B. 697  
S.B. 749  
S.B. 769  
S.B. 778  
S.B. 817 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 861  
S.B. 897  
S.B. 1004  
S.B. 1050 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 1110  
S.B. 1210  
S.B. 1221  
S.B. 1224  
S.B. 1227  
S.B. 1267  
S.B. 1268  
H.C.R. 84  
H.B. 46  
H.B. 68  
H.B. 94  
H.B. 99  
H.B. 131  
H.B. 176  
H.B. 218  
H.B. 266  
H.B. 276

H.B. 304  
H.B. 333  
H.B. 373  
H.B. 375  
H.B. 376  
H.B. 502  
H.B. 553  
H.B. 665  
H.B. 797  
H.B. 1231  
H.B. 1255  
H.B. 1341  
H.B. 1346  
H.B. 2194  
H.B. 2304  
H.B. 164

### SENATE BILL 761 WITH HOUSE AMENDMENT

Senator Traeger called S.B. 761 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
Committee Amendment No. 1 - Horn

Amend S.B. 761 as follows:

(1) On page 16, between lines 14 and 15, add Sections 8 and 9 to Article 1 of the bill to read as follows:

SECTION 8. Section 101.006(c), Agriculture Code, is amended to conform that section to the statute from which it is derived, to read as follows:

(c) A person who applies for a license as a commission merchant or retailer [dealer] under both this chapter and Chapter 102 of this code is entitled to pay a single license fee of \$25. The person's license shall reflect that the person is licensed to handle both citrus fruit and vegetables.

SECTION 9. Section 102.006(c), Agriculture Code, is amended to conform that section to the statute from which it is derived, to read as follows:

(c) A person who applies for a license as a commission merchant or retailer under both this chapter and Chapter 101 of this code is entitled to pay a single license fee of \$25. The person's license shall reflect that the person is licensed to handle both citrus fruit and vegetables.

(2) On page 33, between lines 19 and 20, insert the following:

(c) The department may contract with a political subdivision or a person for transporting persons to a facility.

(3) On page 58, line 24, strike "this Act" and substitute "this chapter".

(4) On page 69, strike lines 10 through 17, and substitute the following:

SECTION 2. (a) Section 171.074, Tax Code, is amended to conform that section to Section 13, Chapter 792, Acts of the 67th Legislature, Regular Session, 1981, to read as follows:

Sec. 171.074. EXEMPTION—DEVELOPMENT CORPORATION. A nonprofit [development] corporation organized [incorporated] under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) is exempted from the franchise tax.

(5) On page 71, strike lines 19-26; on page 72, strike lines 1-7; and substitute the following:

SECTION 4. Section 151.314, Tax Code, is amended to conform that section to the statute from which it is derived, to read as follows:

Sec. 151.314. FOOD AND FOOD PRODUCTS [MEALS]. (a) Food products for human consumption are [is] exempted from the taxes imposed by this chapter [if:

[(1) it is not served, prepared, or sold by or in a restaurant, drugstore, lunch counter, cafeteria, hotel, or like place of business or from a motor vehicle, pushcart, or other vehicle; and

[(2) it is not served, prepared, or sold ready for immediate consumption].

(b) "Food products" shall include, except as otherwise provided herein, but shall not be limited to, cereals and cereal products; milk and milk products, including ice cream; oleomargarine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices, condiments and salt; sugar and sugar products; coffee and coffee substitutes; tea, cocoa products; or any combination of the above. [Carbonated and noncarbonated packaged soft drinks, diluted fruit juices sold in liquid or frozen form, ice, and candy are not exempted by Subsection (a) of this section.]

(c) "Food products" shall not include:

(1) Medicines, tonics, vitamins, and medicinal preparations in any form.

(2) Carbonated and noncarbonated packaged soft drinks and diluted juices where sold in liquid or frozen form; and ice and candy.

(3) Foods and drinks (which include meals, milk and milk products, fruit and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared, or sold ready for immediate consumption in or by restaurants, drug stores, lunch counters, cafeterias, hotels, or like places of business, or sold ready for immediate consumption from push carts, motor vehicles, or any other form of vehicle. [In this section, "food" includes cereal and cereal products, milk and milk products, ice cream, oleomargarine, meat and meat products, poultry and poultry products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, condiments and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa products, and combinations of the listed items. "Food" does not include alcoholic beverages, medicines, tonics, vitamins, or medicinal preparations in any form.]

(d) Food and drink purchased by a common carrier for the purpose of serving passengers traveling en route aboard the carrier are exempted from the taxes imposed by this chapter.

(e) Food products, meals, soft drinks, and candy for human consumption are exempted from the taxes imposed by this chapter if:

(1) served by a public or private school, school district, student organization, or parent-teacher association under an agreement with the proper school authorities in an elementary or secondary school during the regular school day or by a parent-teacher association during a fund-raising sale the proceeds of which do not benefit an individual;

(2) sold by a church or at a function of a church; or

(3) served to a patient or inmate of a hospital or other institution licensed by the state for the care of humans.

(f) Food products, candy, carbonated beverages, and diluted juices are exempted from the taxes imposed by this chapter if sold at an exempt sale qualifying under this subsection or if stored or used by the purchaser of the item at the exempt sale. A sale is exempted under this subsection if:

(1) the sale is made by a person under 18 years old who is a member of a nonprofit organization devoted to the exclusive purpose of education or religious or physical training or by a group associated with a public or private elementary or secondary school;



(2) the sale is made as a part of a fund-raising drive sponsored by the organization or group; and

(3) all net proceeds from the sale go to the organization or group for its exclusive use.

(6) On page 74, line 9, insert "or" after "Section 59,".

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed.

(Senator Parker in Chair)

### HOUSE BILL 1389 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1389**, Relating to apportionment of the state into representative districts.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **H.B. 1389** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Nays: Brown, Henderson.

Absent: Sarpalius, Whitmire.

Absent-excused: Brooks.

The bill was read second time and was passed to third reading.

(President in Chair)

### HOUSE BILL 1389 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1389** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Nays: Brown, Henderson, Washington.

Absent: Sarpalius, Whitmire.

Absent-excused: Brooks.

The bill was read third time and was passed.

### SENATE BILL 1119 ON THIRD READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**S.B. 1119**, Relating to preservation of the view of the State Capitol.

The bill was read third time and was finally passed by the following vote: Yeas 29, Nays 0.

Absent: Sarpalius.

Absent-excused: Brooks.

**COMMITTEE SUBSTITUTE SENATE BILL 117 ON THIRD READING**

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 117**, Relating to procedures for the administration and disbursement of block grant funds.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Howard, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Glasgow, Harris, Henderson, Jones, Leedom.

Absent: Sarpalius.

Absent-excused: Brooks.

The bill was read third time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 117** as follows:

1. Add the following sentence at the end of Subsection (i) of SECTION 4:

"Hearings held in cooperation with the governor's office may be used to satisfy the requirements of this section."

2. Strike Subsection (a) of SECTION 14 and insert the following:

"(a) An agency covered by this Act should give priority to types of programs aimed at remedying the causes and cycle of poverty, if the alleviation of poverty is one of the purposes of the federal block grant and if the agency has discretion over the types of programs that may be funded with the block grant."

The amendment was read and was adopted by unanimous consent.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Howard, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Glasgow, Harris, Henderson, Jones, Leedom, Sims.

Absent-excused: Brooks.

**MOTION TO PLACE SENATE BILL 532 ON THIRD READING**

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**S.B. 532**, Relating to the calculation of the capital assets for franchise tax purposes of a corporation that owns an interest in a Texas subsidiary corporation.

The motion was lost by the following vote: Yeas 16, Nays 13. (Not receiving two-thirds vote of the Members present)

Yeas: Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Whitmire, Williams.

Nays: Blake, Doggett, Edwards, Howard, Jones, Lyon, Mauzy, Sarpalius, Sims, Traeger, Truan, Vale, Washington.

Absent: Uribe.

Absent-excused: Brooks.

**SENATE BILL 808 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 808**, Relating to the retention of redfish and speckled sea trout by shrimpers and to the application of criminal penalties.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Williams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 808 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 808** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire.

Nays: Washington, Williams.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Williams.

Absent-excused: Brooks.

**COMMITTEE SUBSTITUTE SENATE BILL 834 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 834**, Relating to the importation and transportation of redfish and speckled sea trout; providing penalties.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 834 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 834** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Brooks.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 1022 ON SECOND READING**

Senator Lyon moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1022**, Relating to catching redfish and speckled sea trout by persons on commercial fishing boats; providing penalties.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire.

Nays: Glasgow, Truan, Williams.

Absent: Sarpalius.

Absent-excused: Brooks.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Amend **C.S.S.B. 1022** as follows:

Change 15 to 5 on line 37, page 1.

The amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**POINT OF ORDER**

Senator Vale raised the Point of Order against further consideration of **C.S.S.B. 1022** because copies of the bill were not in the Senators' bill books.

On motion of Senator Vale and by unanimous consent, the Point of Order was withdrawn.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1022 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1022 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Vale, Whitmire.

Nays: Glasgow, Parker, Truan, Williams.

Absent: Sharp, Uribe, Washington.

Absent-excused: Brooks.

The bill was read third time and was passed.

**RECORD OF VOTE**

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

**HOUSE BILL 1376 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1376**, Relating to possession limits for red drum and speckled sea trout, to penalties for engaging in business as a commercial finfish fisherman without a license, and to penalties for commercial and noncommercial activities relating to redfish and speckled sea trout.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1376 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire.

Nays: Washington, Williams.

Absent-excused: Brooks.

The bill was read third time and was passed.

**RECORD OF VOTE**

Senator Williams asked to be recorded as voting "Nay" on the final passage of the bill.

**HOUSE BILL 1406 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1406**, Relating to the possession and display of certain documents relating to the origin and status of redfish and speckled sea trout; providing penalty.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1406 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1406** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Brooks.

The bill was read third time and was passed.

**SENATE BILL 551 ON SECOND READING**

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 551**, Relating to the gulfward boundaries of coastal home-rule cities.

The motion prevailed by the following vote: Yeas 22, Nays 7, Paired 1.

Yeas: Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Blake, Mauzy, Parker, Sharp, Truan, Vale, Washington.

Absent-excused: Brooks.

**PAIRED VOTE**

Senator Parmer (present), who would vote "Yea", with Senator Brooks (absent), who would vote "Nay".

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 551** on page 1, lines 15, 22, and 30, by striking "15,840 feet" and substituting "five statute miles".

The amendment was read.

On motion of Senator Farabee, the amendment was tabled by the following vote: Yeas 20, Nays 9, Paired 1.

Yeas: Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Santiesteban, Sarpalius, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Blake, Doggett, Lyon, Mauzy, Parker, Sharp, Truan, Vale, Washington.

Absent-excused: Brooks.

**PAIRED VOTE**

Senator Parmer (present), who would vote “Yea”, with Senator Brooks (absent), who would vote “Nay”.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 551** as follows:

(1) On page 1, lines 15, 22, and 30, strike “15,840” and substitute “5,280”.

(2) On page 1, renumber Section 2 of the bill as Section 3 and add a new Section 2 to read as follows:

SECTION 2. Section 11.0131, Natural Resources Code, is amended by adding Subsection (e) to read as follows:

(e) A home-rule city may establish industrial districts in the area that is gulfward from the coastline and is within 10.2 statute miles of a part of the coastline located in the city. The city may establish the industrial districts in the same manner and under the same conditions prescribed by law for the creation of industrial districts in the extraterritorial jurisdiction of cities. However, payments to the city that the city may require each year of a property owner in an industrial district may not exceed one-half of the revenue that would be produced if the city imposed its property tax in the industrial district.

The amendment was read.

On motion of Senator Farabee, the amendment was tabled by the following vote: Yeas 18, Nays 8, Paired 1.

Yeas: Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Santiesteban, Sarpalius, Sims, Uribe, Whitmire, Williams.

Nays: Blake, Doggett, Mauzy, Parker, Sharp, Traeger, Truan, Vale.

Absent: Brown, Caperton, Washington.

Absent-excused: Brooks.

**PAIRED VOTE**

Senator Parmer (present), who would vote “Yea”, with Senator Brooks (absent), who would vote “Nay”.

(Senator Montford in Chair)

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 551** as follows:

(1) On page 1, lines 24-26 strike “reformation of the city’s boundary under Subsection (d) of this section [removal, by disannexation or other means, of all or part of the submerged lands from the city’s jurisdiction]” and substitute “removal, by disannexation or other means, of all or part of the submerged lands from the city’s jurisdiction”.

(2) On page 1, strike lines 27-31 and substitute the following:

~~[(d) This section expires October 1, 1983.]~~

The amendment was read.

On motion of Senator Farabee, the amendment was tabled by the following vote: Yeas 17, Nays 9, Paired 1.

Yeas: Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Sarpalius, Sims, Uribe, Williams.

Nays: Blake, Brown, Doggett, Mauzy, Parker, Sharp, Traeger, Truan, Vale.

Absent: Santiesteban, Washington, Whitmire.

Absent-excused: Brooks.

#### PAIRED VOTE

Senator Parmer (present), who would vote "Yea", with Senator Brooks (absent), who would vote "Nay".

#### LEAVE OF ABSENCE

Senator Truan was granted leave of absence for the remainder of today on account of family illness on motion of Senator Mauzy.

Senator Parker requested a full reading of the bill.

Senator Farabee made the substitute motion to dispense with the full reading of the bill.

The substitute motion prevailed by the following vote: Yeas 19, Nays 7, Paired 2.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Santiesteban, Sarpalius, Sims, Uribe, Whitmire, Williams.

Nays: Doggett, Lyon, Mauzy, Parker, Sharp, Traeger, Vale.

Absent: Washington.

Absent-excused: Brooks, Truan.

#### PAIRED VOTES

Senators Montford and Parmer (present), who would vote "Yea", with Senators Brooks and Truan (absent), who would vote "Nay".

(Senator Sarpalius occupied the Chair during discussion of the passage of the bill to engrossment.)

Question - Shall the bill be passed to engrossment?

#### MESSAGE FROM THE HOUSE

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 100**, Relating to courses held by a community college in facilities of a school district located outside the community college district.

**H.B. 280**, Relating to peace officers commissioned by school districts in certain counties.

**H.B. 529**, Relating to the prohibition of a city's regulation of firearms, ammunition, and firearm supplies.



**H.B. 838**, Relating to the offenses involving certain communications and telephone calls intended to harass, annoy, alarm, abuse, torment, or embarrass a person.

**H.B. 845**, Relating to the property tax exemption of certain organizations that promote or operate art galleries, museums, and collections.

**H.B. 867**, Relating to payment of certain benefits to family and dependents of a deceased insured under group accident and health insurance.

**H.B. 1563**, Relating to the composition of a city planning commission.

**H.B. 1748**, Relating to the clarification of taxable situs rules regarding the allocation to this state of the total market value of movable tangible personal property in general and vessels and other watercraft in particular.

**H.B. 1778**, Relating to fees for motor vehicle dealers and providing for bonds for certain motor vehicle dealers.

**H.B. 1954**, Relating to reporting requirements imposed on a person having custody of a prisoner who dies while in custody.

**H.B. 2005**, Relating to the regulation of disposal pits used to store or evaporate oil field brines.

**H.B. 2154**, Relating to the creation of a committee to interpret state ethics laws.

**H.B. 2251**, Relating to the creation of a state job-training program.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

(Senator Sims in Chair)

#### SENATOR ANNOUNCED PRESENT

Senator Brooks who had previously been recorded as "Absent-excused" was announced "Present".

#### SENATE BILL 551 ON SECOND READING

The Senate resumed consideration of the pending business, same being **S.B. 551** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

(Senator Glasgow occupied the Chair during the discussion of the passage of the bill to engrossment.)

#### MESSAGE FROM THE HOUSE

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 593** by a non-record vote.

**H.B. 25**, Relating to age requirements for applicants for beginning positions within police departments.

**H.B. 210**, Relating to the designation and service of certain public school officials as deputy voter registrars.

**H.B. 283**, Relating to the possession and delivery of certain volatile chemicals.

**H.B. 1091**, Relating to the placement of signs in the rights-of-way of public roads in certain counties.

**H.B. 1125**, Relating to the creation, operation, and dissolution of enterprise zones.

**H.B. 2092**, Relating to the sale of urban renewal land.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **SENATE BILL 551 ON SECOND READING**

The Senate resumed consideration of the pending business, the same being **S.B. 551** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

#### **INTERGOVERNMENTAL RELATIONS COMMITTEE GRANTED PERMISSION TO MEET**

On motion of Senator Traeger and by unanimous consent, the Intergovernmental Relations Committee was granted permission to meet at 4:00 o'clock p.m. today while the Senate is in session.

#### **ADMINISTRATION COMMITTEE GRANTED PERMISSION TO MEET**

On motion of Senator Blake and by unanimous consent, the Administration Committee was granted permission to meet at 4:00 o'clock p.m. today while the Senate is in session.

#### **SENATE BILL 551 ON SECOND READING**

The Senate resumed consideration of the pending business, the same being **S.B. 551** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 2369** today.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 1020** by a non-record vote.

**S.B. 149**, Relating to the operation and regulation of state savings and loan associations and the savings and loan department, to the continuation of the office of the savings and loan commissioner. (With amendments)

**S.B. 151**, Relating to the continuation, operation, membership, terms, and grounds for removal of member of the State Banking Board; making certain financial statements confidential. (With amendment)

**S.B. 294**, Relating to powers and duties, staff, and operation of the Banking Department and to the continuation, authority, and powers and duties of the office of Banking Commissioner of Texas. (With amendments)

**S.B. 295**, Relating to the continuation, composition, qualifications, powers and duties, and compensation of the Finance Commission of Texas. (With amendment)

**S.B. 826**, Relating to the authority of a county to set and collect fees for the use of county recreational facilities and services.

**S.B. 911**, Relating to creation of a Criminal Justice Policy Council and its functions; the organization and functions of the Criminal Justice Coordinating Council and the elimination of the Criminal Justice Division Advisory Board. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### GOVERNOR WHITE PRESENTED

The Presiding Officer (Senator Glasgow in Chair) presented His Excellency Mark White, Governor of Texas.

The Senate welcomed Governor White.

#### SENATE BILL 551 ON SECOND READING

The Senate resumed consideration of the pending business, the same being **S.B. 551** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

#### MESSAGE FROM THE HOUSE

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 100**, Relating to the continuation, organization, personnel, functions, powers, and duties of the State Depository Board; giving certain savings and loan associations rights to apply for and be designated as state depositories. (With amendment)

**C.S.S.B. 405**, Relating to the continuation, operation, personnel, powers, and duties of the Office of Consumer Credit Commissioner and to its regulatory

responsibility concerning pawnshops, to credit card transactions and merchant discounts. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### SENATE PAGES EXCUSED

On motion of Senator Brooks and by unanimous consent, the Senate Pages were excused for the remainder of the day.

### REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 135  
S.C.R. 104  
S.C.R. 93  
S.B. 1401  
H.C.R. 72 (Amended)  
C.S.S.C.R. 47 (Read first time) (Again reported)

### SENATE BILL 551 ON SECOND READING

The Senate resumed consideration of the pending business, the same being S.B. 551 on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

(Senator Montford in Chair)

### MESSAGE FROM THE HOUSE

House Chamber  
May 10, 1983

HONORABLE W. P. HOBBY,  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1054, Relating to the regulation of credit unions.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1371  
S.B. 1402

### GUEST PRESENTED

The Presiding Officer (Senator Montford in Chair) recognized Senator Glasgow who presented Mrs. Beverly Parker to the Senate.

**SENATE BILL 551 ON SECOND READING**

The Senate resumed consideration of the pending business, the same being **S.B. 551** on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

(Senator Vale occupied the Chair during the discussion of the passage of the bill to engrossment.)

(President in Chair)

On motion of Senator Farabee, **S.B. 551** was passed to engrossment.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **H.B. 101** tomorrow morning.

**JURISPRUDENCE COMMITTEE GRANTED PERMISSION TO MEET**

On motion of Senator Mauzy and by unanimous consent, permission was granted to Jurisprudence Committee to meet at 10:00 o'clock a.m. tomorrow.

**MOTION TO PLACE SENATE BILL 620 ON SECOND READING**

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 620**, Relating to the Lamar University System.

There was objection.

**SENATE BILL 538 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 538**, Relating to the increase in minimum automobile liability coverage for motor vehicles; amending the Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), by amending Section 1; Subsection (c), Section 5; Section 15; Subsection (b), Section 21; and Subsection (a), Section 25.

**RECORD OF VOTE**

Senator Blake asked to be recorded as voting "Present-not voting" on the motion to suspend the regular order.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 538** by striking all below the enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Section 1, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The following words and phrases, when used in this Act, shall, for the purposes of this Act, have the meanings respectively ascribed to them in this

section, except in those instances where the context clearly indicates a different meaning:

"1. 'Highway' means the entire width between property lines of any road, street, way, thoroughfare, or bridge in the State of Texas not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

"2. 'Judgment'—Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

"3. 'Motor Vehicle'—Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers and graders, tractor cranes, power shovels, well drillers and implements of husbandry) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

"4. 'License'—Any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under Article 6687b, Texas Revised Civil Statutes, pertaining to the licensing of persons to operate motor vehicles.

"5. 'Nonresident'—Every person who is not a resident of the State of Texas.

"6. 'Nonresident's Operating Privilege'—The privilege conferred upon a nonresident by the laws of Texas pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Texas.

"7. 'Operator'—Every person who is in actual physical control of a motor vehicle.

"8. 'Owner'—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

"9. 'Person'—Every natural person, firm, copartnership, association or corporation.

"10. 'Proof of Financial Responsibility'—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the following amounts [of]: effective January 1, 1984, Fifteen Thousand Dollars (\$15,000) [Ten Thousand Dollars (\$10,000)] because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, [in the amount of] Thirty Thousand Dollars (\$30,000) [Twenty Thousand Dollars (\$20,000)] because of bodily injury to or death of two (2) or more persons in any one accident, and [in the amount of] Fifteen Thousand Dollars (\$15,000) [Five Thousand Dollars (\$5,000)] because of injury to or destruction of property of others in any one accident; effective January 1, 1986, Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, Forty Thousand Dollars (\$40,000) because of bodily injury to or death of two (2) or more persons in any one accident, and, Fifteen Thousand Dollars (\$15,000) because of injury to or

destruction of property of others in any one accident; and effective January 1, 1988, Twenty-Five Thousand Dollars (\$25,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, Fifty Thousand Dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Twenty Thousand Dollars (\$20,000) because of injury to or destruction of property of others in any one accident. The proof of ability to respond in damages may exclude the first Two Hundred Fifty Dollars (\$250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude the first Five Hundred Dollars (\$500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude the first Two Hundred Fifty Dollars (\$250) of liability for the injury to or destruction of property of others in any one accident.

"11. 'Registration' — Registration or license certificate or license receipt or dealer's license and registration or number plates issued under Article 6675a or Article 6686, Texas Revised Civil Statutes, pertaining to the registration of motor vehicles.

"12. 'Department' means the Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such sections of this Act in which some other State Department is specifically named.

"13. 'State' — Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada."

SECTION 2. Subdivision (2), Subsection (b), Section 1A, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

"(1) vehicles exempt by Section 33 of this Act;

"(2) vehicles for which a bond or a certificate of deposit of money or securities is on file with the Department in the following minimum amounts [of]: effective January 1, 1984, Forty-Five Thousand Dollars (\$45,000) [~~Twenty-five Thousand Dollars (\$25,000)~~]; effective January 1, 1986, Fifty-Five Thousand Dollars (\$55,000); effective January 1, 1988, Seventy Thousand Dollars (\$70,000); [~~is on file with the Department;~~]

"(3) vehicles that are self-insured under Section 34 of this Act;

"(4) vehicles that are both registered to and operated by persons who are not residents of this State, except for those vehicles that are primarily operated in this State; and

"(5) implements of husbandry."

SECTION 3. Subsection (c), Section 5, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) This section shall not apply under the conditions stated in Section 6 nor:

"1. To a motor vehicle operator or owner against whom the Department or a person presiding at a hearing finds there is not a reasonable probability of a judgment being rendered as a result of the accident;

"2. To such operator or owner if such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

"3. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

"4. To any person employed by the government of the United States, when such person is acting within the scope or office of his employment;

"5. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; nor

"6. To any person qualifying as a self-insurer under Section 34 of this Act, or to any person operating a motor vehicle for such self-insurer.

"No such policy or bond shall be effective under this section or under Section 7 unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; providing, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, as follows: [

of not less than] effective January 1, 1984, not less than Fifteen Thousand Dollars (\$15,000) [Ten Thousand Dollars (\$10,000)] because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Thirty Thousand Dollars (\$30,000) [Twenty Thousand Dollars (\$20,000)] because of bodily injury to or death of two (2) or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than Fifteen Thousand Dollars (\$15,000) [Five Thousand Dollars (\$5,000)] because of injury to or destruction of property of others in any one accident; effective January 1, 1986, not less than Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, to a limit of not less than Forty Thousand Dollars (\$40,000) because of bodily injury to or death of two (2) or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than Fifteen Thousand Dollars (\$15,000) because of injury to or destruction of property of others in any one accident; and, effective January 1, 1988, not less than Twenty-Five Thousand Dollars (\$25,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, to a limit of not less than Fifty Thousand Dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than Twenty Thousand Dollars (\$20,000) because of injury to or destruction of property of others in any one accident. The policy or bond may exclude coverage of the first Two Hundred Fifty Dollars (\$250) of liability for bodily injury to or death of any one person, in any one accident; and, subject to that exclusion for one person, may exclude coverage for the first Five Hundred Dollars (\$500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude coverage for the first Two Hundred Fifty Dollars (\$250) of liability for the injury to or destruction of property of others in any one accident.

"7. Wherever the word 'bond' appears in this section or this Act, it shall mean a bond filed with and approved by the Department of Public Safety."

SECTION 4. Section 15, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 15. Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

"1. When the amount [~~Ten Thousand Dollars (\$10,000)~~] set out in Section 5, Subsection (c)(6) of this Act for bodily injury to or death of one person in any



one accident has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

"2. When, subject to the [such] limit set out in Section 5, subsection (c)(6) of this Act [of Ten Thousand Dollars (\$10,000)] because of bodily injury to or death of one person, the sum [of Twenty Thousand Dollars (\$20,000)] set out in Section 5, subsection (c)(6) of this Act for bodily injury to or death of two (2) or more persons in any one accident has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one accident; or

"3. When the sum [Five Thousand Dollars (\$5,000)] set out in Section 5, subsection (c)(6) of this Act for injury to or destruction of property of others in any one accident has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

"Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this Section."

SECTION 5. Subsection (b), Section 21, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Such owner's policy of liability insurance:

"1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

"2. Shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as [follows:] set out in Section 5, subsection (c)(6) of this Act. [Ten Thousand Dollars (\$10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Five Thousand Dollars (\$5,000) because of injury to or destruction of property of others in any one accident.] The policy may exclude coverage of the first Two Hundred Fifty Dollars (\$250) of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude coverage for the first Five Hundred Dollars (\$500) of liability for the bodily injury to or death of two (2) or more persons in any one accident and may exclude coverage for the first Two Hundred Fifty Dollars (\$250) of liability for the injury to or destruction of property of others in any one accident."

SECTION 6. Subsection (a), Section 25, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him the following amounts: effective January 1, 1984, Forty-Five Thousand Dollars (\$45,000) [Twenty-Five Thousand Dollars (\$25,000)], effective January 1, 1986, Fifty-Five Thousand Dollars (\$55,000), effective January 1, 1988, Seventy Thousand Dollars (\$70,000) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of those respective sums [Twenty-Five Thousand Dollars (\$25,000)]. The State Treasurer shall not accept any such deposit

and issue a certificate therefor and the Department shall not accept such certificate, unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides."

SECTION 7. This Act takes effect January 1, 1984.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

#### MEMORIAL RESOLUTIONS

H.C.R. 196 - (Traeger): Memorial resolution for Samuel A. Yates.

S.R. 584 - By Brooks: Memorial resolution for Adolph J. "A. J." Rodriguez, Jr.

S.R. 585 - By Brooks: Memorial resolution for Charles Scott Jones.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 139 - (Kothmann): Recognizing Tejano Conjunto Music Week in Texas.

H.C.R. 156 - (Uribe): Declaring the month of August to be Texas Child Support Enforcement Month.

H.C.R. 178 - (Traeger): Commending Gaby Canizales.

H.C.R. 186 - (Sims): Commending Benno C. Heinmeyer.

H.C.R. 187 - (Traeger): Commending Mr. and Mrs. Kermit Altwein.

H.C.R. 188 - (Harris): Extending congratulations to William Ray Samuels, Jr. on his retirement.

H.C.R. 193 - (Farabee): Commending Mrs. Rosalynn Carter.

H.C.R. 234 - (Harris): Commending Raymond D. Noah, Mayor of Richardson.

H.C.R. 235 - (Harris): Commending Tom Ewbank.

S.C.R. 110 - By Parker: Recognizing May 12, 1983, as "Bum Phillips Day" in Texas.

S.R. 582 - By Brooks: Extending welcome to Ms. Mimi Deaton and her second grade class from Odom Elementary School.

S.R. 583 - By Brooks: Extending welcome to Ms. Blanche Strickland and her second grade class from Odom Elementary School.

S.R. 586 - By Vale: Extending welcome to Lissa Villarreal, Honorary Page for the Day.

S.R. 587 - By Sharp: Extending welcome to Jennifer Frizell, Honorary Page for the Day.

S.R. 588 - By Sharp: Extending welcome to Darla Matthews, Honorary Page for the Day.

S.R. 589 - By Sims: Extending congratulations to Gene Zesch.

**S.R. 590** - By Montford: Commending Bill Shipman.

**S.R. 591** - By Kothmann: Extending congratulations to Wayne Dickey.

### ADJOURNMENT

On motion of Senator Mauzy, the Senate at 8:05 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow

### APPENDIX

Filed Without Signature of Governor  
(May 9, 1983)

**S.J.R. 14** (Effective November 8, 1983)

**S.J.R. 17** (Effective November 8, 1983)

Signed by Governor  
(May 9, 1983)

**H.C.R. 179**

**H.C.R. 176**

**H.C.R. 175**

**H.C.R. 172**

**H.C.R. 157**

**H.C.R. 131**

Sent to Governor  
(May 10, 1983)

<b>S.C.R. 102</b>	<b>S.B. 394</b>
<b>S.C.R. 32</b>	<b>S.B. 420</b>
<b>S.C.R. 33</b>	<b>S.B. 438</b>
<b>S.B. 36</b>	<b>S.B. 510</b>
<b>S.B. 222</b>	<b>S.B. 517</b>
<b>S.B. 234</b>	<b>S.B. 558</b>
<b>S.B. 262</b>	<b>S.B. 619</b>
<b>S.B. 427</b>	<b>S.B. 644</b>
<b>S.B. 442</b>	<b>S.B. 655</b>
<b>S.B. 460</b>	<b>S.B. 697</b>
<b>S.B. 466</b>	<b>S.B. 749</b>
<b>S.B. 469</b>	<b>S.B. 769</b>
<b>S.B. 582</b>	<b>S.B. 778</b>
<b>S.B. 636</b>	<b>S.B. 861</b>
<b>S.B. 670</b>	<b>S.B. 897</b>
<b>S.B. 1100</b>	<b>S.B. 1004</b>
<b>S.B. 122</b>	<b>S.B. 1110</b>
<b>S.B. 221</b>	<b>S.B. 1210</b>
<b>S.B. 246</b>	<b>S.B. 1221</b>
<b>S.B. 281</b>	<b>S.B. 1224</b>
<b>S.B. 319</b>	<b>S.B. 1227</b>
<b>S.B. 346</b>	<b>S.B. 1267</b>
<b>S.B. 392</b>	<b>S.B. 1268</b>
<b>S.B. 393</b>	

Sent to Comptroller  
(May 10, 1983)

**S.B. 281**

S.B. 341  
S.B. 501  
S.B. 817  
S.B. 1050

**SIXTY-SIXTH DAY**  
(Wednesday, May 11, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Dubyear Harris, Metropolitan African Methodist Episcopal Church, Austin, offered the invocation as follows:

Almighty and everliving God, who art the light of our days and the hope of our nights, Whose presence is our comfort and joy, wilt Thou meet us at the point when we need Thy presence and Thy grace, and help us at the place where we confront alternatives and be there with us to assist us that we might take higher roads and make the right turn. In His Name we pray, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator Vale and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.C.R. 109** by Vale Administration  
Granting Lucy and August Sheldon permission to sue the State.

**S.R. 599** by Mauzy, Brooks Committee of the Whole Senate  
Directing the Attorney General of Texas to take certain action relative to the case of Terrazas vs. Clements, now in the United States District Court.

**S.B. 1404** by Lyon Natural Resources  
Relating to the creation, administration, powers, duties, functions, operations, and financing of the Emerald Bay Municipal Utility District.

**S.B. 1405** by Leedom Intergovernmental Relations  
Relating to the disposition of obscene devices and material.

**S.B. 1406** by Uribe Intergovernmental Relations  
Relating to the authority of the Commissioners Court of Cameron County to establish and operate a water supply or sewage system.

**S.B. 1407** by Traeger Intergovernmental Relations  
Relating to the creation, administration, powers, duties, functions, financing, and dissolution of, and annexation and exclusion of land from special utility districts; providing penalties.